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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 CAMERON E. OLIVER, individually and on
10 behalf of others similarly situated,

11 Plaintiff,

12 v.

13 BELL TRANS, a Nevada Corporation, and
14 BRENT J. BELL,

15 Defendants.

CASE NO.: 2:16-cv-00305-JAD-PAL

**Stipulation and Order Staying
Proceedings Until March 27, 2017**

(Fourth Request)

ECF Nos. 7, 8, 25

16 Plaintiffs and Defendants, by and through their counsel of record, submit the below
17 stipulation to stay all proceeding in the above captioned matter. The purpose of this stay is to
18 allow the parties to continue meaningful settlement discussions in an effort to fully and finally
19 resolve this dispute. Since the parties' prior request to stay was granted, their negotiations have
20 resulted in an agreement to jointly mediate this case with a related case (also before this Court) in
21 an effort to reach a global resolution as to both matters. For these reasons, the parties now
22 respectfully request additional time to allow for the analysis of wage and hour data in these related
23 matters so that they will not be required to duplicate costs and efforts by mediating both matters
24 separately.

25 The parties therefore stipulate and agree that:

26 1. The above captioned dispute shall be stayed for a period of 65 days commencing on
27 January 21, 2017 , and ending March 27, 2017 (the "Stay Period");
28

1 2. The Stay Period is calculated to allow this matter to be stayed so that it can be
2 meditated at the same time as the parties mediate a related class/collective action matter that is also
3 presently before this Court, Case No. 2:15-cv-01066-MMD-PAL, *Willie Thurmond v. Presidential*
4 *Limousine* (“Thurmond Matter”). A stipulation to stay all proceedings in that matter until
5 Monday, March 27, 2017, is being filed concurrently herewith.

6 3. Since the last stay ordered by the Court, Defendants have continued to provide
7 Plaintiffs with information related to a sampling of 122 putative class members in this matter. In
8 the parties prior stipulation, they explained the difficulties that Defendants encountered in initially
9 trying to export the wage and hour information Plaintiffs needed to prepare for a mediation in this
10 matter. The parties further explained that once Plaintiffs had received this information, Plaintiffs
11 required adequate time to: (1) analyze the data; (2) have the data examined by their expert prior to
12 mediation; and (3) request additional information (as needed) from Defendants to help with their
13 analysis and that of their expert. At that time, the parties believed this analysis could be completed
14 in time for a January 13, 2017, mediation. However, the analysis was complicated by the fact that
15 Plaintiffs also needed to reconcile the electronic data they received against the physical time sheets
16 where the data was originally recorded. Plaintiffs also required additional information regarding
17 Defendants’ health insurance program and logistics related to the routes and vehicles used by
18 Defendants’ employees. As of the date of this stipulation, the parties have a mediation date
19 scheduled before Hon. Stewart L. Bell (Ret.) for March 21, 2017.

20 4. If the parties do not resolve this dispute during the Stay Period, the parties agree to
21 jointly submit within seven calendar days after the end of the Stay Period: (1) a new Discovery
22 Plan and Scheduling Order; and (2) a briefing schedule for purposes of responding to Defendants’
23 pending motions (Docket Nos. 7 and 8).

24 5. In the event that the Plaintiffs, within 30 days of the expiration of the Stay Period,
25 file a motion seeking to circulate a Notice of Pendency under the Fair Labor Standards Act to
26 facilitate “opt in” joinder of additional plaintiffs, and such motion is subsequently granted, the
27 accrual of the statute of limitations for any such “opt in” joinder plaintiffs who file consents to join
28

this case shall be tolled for the period of April 20, 2016 through March 21, 2017. Defendants' agreement to the terms set forth in the foregoing sentence does not constitute consent by the defendants to the granting of any such motion nor their consent to any other potential statute of limitations toll that plaintiff may seek.

6. The forgoing request for stay is made in good faith to enable the parties to engage in meaningful settlement dialogue and not for the purpose of delay.

DATED this 21st day of January, 2017.

BY: /s/ Leon Greenberg, Esq.
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Attorneys for Defendants

ORDER

IT IS SO ORDERED.

IT IS FURTHER ORDERED that Bell Trans's Motion to Dismiss [ECF No. 7] and Motion to Certify Questions of Law to the Nevada Supreme Court [ECF No. 8] are DENIED without prejudice to their refile within 20 days of the expiration of the stay. In the event that this case is not resolved during the Stay Period, new due dates for these motions should be included in the parties' proposed briefing schedule.


Jennifer Dorsey

U.S. District Judge 1-30-17